

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THE CHEESECAKE FACTORY ASSETS CO.,  
LLC, et al.,

Plaintiffs,

- against -

THE PHILADELPHIA CHEESE STEAK  
FACTORY INC., et al.,

Defendants.  
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**ORDER**  
05-CV-3243 (NGG)(RML)

On March 27, 2006, the court entered an electronic Order denying without prejudice Plaintiff Cheesecake Factory's motion for Default Judgment against the corporate defendant in this matter, The Philadelphia Cheese Steak Factory, Inc. That order was filed inadvertently and in error. Therefore, this court's March 27, 2006 order is hereby VACATED.

The Clerk's Entry of Default against The Cheese Steak Factory, Inc. was filed on August 17, 2005. Thereafter, by electronic order, dated August 30, 2005, this court referred the Plaintiff's motion for default judgment against The Cheese Steak Factory Inc. to Magistrate Judge Robert Levy for an inquest on damages and attorney's fees. The August 30, 2005 Order is reinstated, and the inquest is again referred to Judge Levy for a Report and Recommendation on damages and attorney's fees. It appears that all submissions required for the inquest have been submitted to Judge Levy, and thus this court will await Judge Levy's recommendation.

SO ORDERED.

Dated: July 31, 2006  
Brooklyn, New York

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/s/  
NICHOLAS G. GARAUFIS  
UNITED STATES DISTRICT JUDGE